IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Crl.MC.No. 190 of 2007()

CC.777/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT, OTTAPPALAM

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PETITIONERS:

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1. AMINA, D/O. ABBAS MOULAVY
   THRUTHALA NADAKKAL HOUSE
   MULAYAMKAVU.

2. RAMLA, W/O. MUHAMMED
   MELECHIRANKARA HOUSE, POST MANNAPPAN THODU
   PALAKKAD.

BY ADV. SRI.E.R.VENKATESWARAN
SRI.R.SREEHARI

RESPONDENT:

STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 190 of 2007

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Dated this the 23rd day of January, 2007

O R D E R

The petitioners, two women, face indictment in a prosecution under Section 498A I.P.C. Anticipatory bail was granted to the petitioners. On receipt of summons from the Court after taking cognizance, the petitioners could not appear before the learned Magistrate. Consequently warrants of arrest have been issued against the petitioners. They apprehend imminent arrest. They apprehend that if they surrender before the learned Magistrate, the learned Magistrate may not consider their applications on merits, in accordance with law and expeditiously. Therefore they pray that directions under Section 482 Cr.P.C. may be issued to the learned Magistrate to release them on bail.

2. It is certainly for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. The learned Magistrate, needless to say, must consider such cause on merits and pass appropriate orders. I have

no reason to assume that the learned Magistrate would not do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in **Alice George** v. **Dy.S.P. of Police** (2003 (1) KLT 339).

3. This Crl.M.C. is accordingly dismissed, but subject to the above observations/directions. I may hasten to observe that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R. BASANT)
Judge

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